IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1013 (MS) OF 2006

Mohd. Ali,
S/o Shri Barkat Ali,
R/o House No. 38, Ward No. 8,
Town Area Committee Landhora,
Tehsil-Roorkee,
District-Haridwar. .....Petitioner.

Versus

1. State of Uttaranchal, through, the District Magistrate, Haridwar.
2. The Sub Divisional Magistrate, Roorkee, District- Haridwar.
3. The Executive Officer Nagar Panchayat, Landhora, District-Haridwar.
4. Civil Judge (Junior Division), Roorkee.

.....Respondents.

Dated: 03.08.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Manish Arora, Advocate for the petitioner and Standing Counsel for the respondents. Both the parties have agreed that let the matter be finally decided at the admission stage.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to decide Suit No. 95/99 Mohd. Ali Vs. Mugha pending before Civil Judge(Junior Division), Roorkee expeditiously.

Briefly stated, after the complaint made by the petitioner regarding encroachment of the land by the Nagar Panchayat, he filed a Suit being Suit No. 95 of 1999 Mohd. Ali Vs. Muga for permanent injunction restraining the respondents from making any constructions on the land in dispute.

According to the petitioner, the injunction order has already been granted in his favour by the Civil Judge (Junior Division) Roorkee, District Haridwar restraining the defendants from raising any constructions over the land in dispute, but in spite of this, the respondents are raising the constructions.

In view of the aforesaid facts, Civil Judge (Junior Division), Roorkee, District Haridwar is directed to dispose of the Suit within a period of four months from the date of presentation of the certified copy of the order. Respondents no. 2 and 3 are also directed to look into the grievances of the petitioner meanwhile.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

03.08.2006
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